

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff

v.

Alejandro RODRIGUEZ-Aguilera

Defendant

) **'08 MJ 1771**
) **Magistrate Docket No.** _____

) **COMPLAINT FOR VIOLATION OF:**

) **TITLE 18 U.S.C. § 1544**

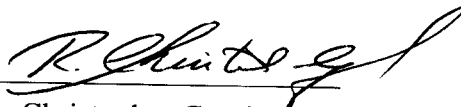
) **Misuse of Passport (Felony)**

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KWK

The undersigned complainant, being duly sworn, states:

On or about June 4, 2008, within the Southern District of California, Defendant Alejandro RODRIGUEZ-Aguilera did knowingly and willfully use a U.S. Passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry into the United States by presenting U.S. Passport number 038851287, issued to Eduardo RUVALCABA to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that he was not Eduardo RUVALCABA, that the passport was not issued or designed for his use; all in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



R. Christopher Good
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

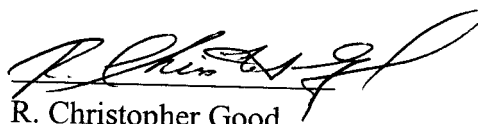
This 5th day of June, 2008.

 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, R. Christopher Good, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for six years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Alejandro RODRIGUEZ-Augilera, hereafter referred to as DEFENDANT, used a U.S. Passport, not belonging to him, as identification to apply for entry into the U.S. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S. C., Section 1544, Misuse of a Passport.
3. On or about June 4, 2008, DEFENDANT presented U.S. Passport number 038851287 in the name of Eduardo RUVALCABA to a CBP Officer with the intent to gain entry to the U.S. DEFENDANT was detained and it was determined that he was not in fact Eduardo RUVALCABA by the DEFENDANT's own admissions that he was not Eduardo RUVALCABA, but rather Alejandro RODRIGUEZ-Aguilera.
4. Affiant conducted checks of the U.S. Department of State U.S. Passport database and learned that U.S. Passport number 038851287 had been issued on May 18, 2004 to Eduardo RUVALCABA.
5. On June 4, 2008 at approximately 1313 hrs, Reporting Agent and a CBP Officer interviewed DEFENDANT at the San Ysidro Port of Entry. DEFENDANT admitted his true name, date and place of birth was Mexico and that the U.S. Passport he used on this day was not issued to him for his use. DEFENDANT stated that he had been living in the U.S. for an extended period of time.
6. Record check revealed that DEFENDANT has attempted to illegally enter the U.S. on eight separate occasions.
7. On the basis of the facts presented in this probable cause statement, there is probable cause to believe that:
 - DEFENDANT named in this probable cause statement, committed the offense on June 4, 2008 – in violation of Title 18 U.S.C., Section 1544, Misuse of a Passport – when he knowing and willfully used the U.S. passport belonging to another, Eduardo RUVALCABA, knowing that it was not issued or designed for his use.



R. Christopher Good
Special Agent
U.S. Department of State
Diplomatic Security Service